

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C.20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

25 August 1999 (25.08.99)

International application No.

PCT/EP98/08128

Applicant's or agent's file reference

O/97322 WO

International filing date (day/month/year)

08 December 1998 (08.12.98)

Priority date (day/month/year)

12 December 1997 (12.12.97)

Applicant

FREDERICK, Mervyn, Joseph et al

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

02 July 1999 (02.07.99)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

A. Karkachi

Telephone No.: (41-22) 338.83.38

# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference O/97322 WO		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP98/08128	International filing date (day/month/year) 08/12/1998	Priority date (day/month/year) 12/12/1997
International Patent Classification (IPC) or national classification and IPC B65D33/25		
Applicant AKZO NOBEL N.V. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  02/07/1999	Date of completion of this report  1 0. 11. 99
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Denantes, A  Telephone No. +49 89 2399 2624 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/EP98/08128

**I. Basis of the report**

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

**Description, pages:**

1-9 as originally filed

**Claims, No.:**

1-6 as originally filed

**Drawings, sheets:**

1/2,2/2 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/EP98/08128

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims 1-6
	No: Claims
Inventive step (IS)	Yes: Claims 1-6
	No: Claims
Industrial applicability (IA)	Yes: Claims 1-6
	No: Claims

**2. Citations and explanations**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/EP98/08128

The nearest prior art is represented by JP-A-07 223 653 disclosing an aseptic package enclosing food or medicines made of a laminate comprising an inner sealable material (polyethylene), a barrier layer (aluminium) and an outer damage protective layer (paper or cellophane). The aseptic package of claim 1 and the use of claim 5 of the application differs therefrom by the fact that an intravaginal article is enclosed, the package moreover including means for reclosing it after opening. The combination of these new features in such an aseptic package made of a laminate is neither known nor suggested by the available cited prior art.

The package of claims 1-4 and the use of claims 5 and 6 therefore define a new and inventive subject-matter.

# INTERNATIONAL SEARCH REPORT

International Application No.

PCT/EP 98/08128

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 6 B65D33/25

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 B65D A61F A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	EP 0 330 786 A (IGARASHI MASAO) 6 September 1989 see column 1, line 10 - line 12 see column 3, line 1 - line 8 see column 5, line 27 - line 33 ---	1-3
Y	DATABASE WPI Section Ch, Week 9542 Derwent Publications Ltd., London, GB; Class A17, AN 95-325308 XP002064582	1-3
A	& JP 07 223653 A (HISAMITSU PHARM CO LTD) 22 August 1995 cited in the application see abstract -----	4,5

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

7 April 1999

Date of mailing of the international search report

20/04/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Spettel, J

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 98/08128

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0330786 A	06-09-1989	JP 1221318 A	04-09-1989
		JP 2590358 B	12-03-1997
		AU 2747988 A	07-09-1989
		CA 1312285 A	05-01-1993
		DE 3869390 A	23-04-1992
		US 4997653 A	05-03-1991
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# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>0/97322 WO</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/EP 98/ 08128</b>	International filing date (day/month/year) <b>08/12/1998</b>	(Earliest) Priority Date (day/month/year) <b>12/12/1997</b>
Applicant  <b>AKZO NOBEL N.V. et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

### 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

### 4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

### 5. With regard to the abstract,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

### 6. The figure of the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☒ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

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☐ None of the figures.



# INTERNATIONAL SEARCH REPORT

International application No.

PCT/EP 98/08128

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

Line 2 and line 4: after "strip" insert "(E)"

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 98/08128

**A. CLASSIFICATION OF SUBJECT MATTER**  
 IPC 6 B65D33/25

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

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 IPC 6 B65D A61F A61K

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 "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)  
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"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention  
 "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone  
 "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.  
 "&" document member of the same patent family

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Name and mailing address of the ISA

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 Fax: (+31-70) 340-3016

Authorized officer

Spettel, J

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